

**REMARKS**

Claims 1-17 are pending in the present application.

**A. Rejection under 35 U.S.C. §112, second paragraph**

Claims 2, 4-8, 10, 11, and 16 have been rejected under 35 U.S.C. §112, second paragraph. This rejection under 35 U.S.C. §112, second paragraph, is respectfully traversed.

In formulating the rejection under 35 U.S.C. §112, second paragraph, the Examiner alleges that various claims lack sufficient antecedent basis from the specification. 35 U.S.C. §112, second paragraph, is directed to antecedent basis within the claims. 35 U.S.C. §112, second paragraph, does not require the claims to have antecedent basis in the specification.

Therefore, with respect to the Examiner's rejection based upon the Examiner's assertion that the claims lack sufficient antecedent basis in the specification, the Examiner's rejection is improper.

With respect to the Examiner's rejection based upon the Examiner's assertion that the claims lack sufficient antecedent basis in the claims, these claims have been amended to rectify the antecedent issues.

Accordingly, in view of the amendments and remarks set forth above, the Examiner is respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. §112, second paragraph.

**B. Rejection under 35 U.S.C. §102(a)&(e)**

Claims 1 and 7-16 have been rejected under 35 U.S.C. §102(a)&(e) as being anticipated by Newman et al. (Published US Patent Application 2003/0020727). This rejection under 35 U.S.C. §102(a)&(e) is respectfully traversed.

In formulating the rejection under 35 U.S.C. §102(a)&(e), the Examiner alleges that Newman et al. discloses producing a target consisting of pairs of metamers, where each pair matches for one illuminant and mismatches for others (Figures 4 and 6 of Newman et al.); viewing the target under the illumination for which characterization is desired (Figures 4 and 6 of Newman et al.); selecting a best match from the metameric

pairs, which estimates the viewing illumination (Figures 4 and 6 and paragraphs [0011]-[0018] and [0052]-[0063] of Newman et al.); entering an indicator of the estimated viewing illumination (paragraph [0072] of Newman et al.); and adjusting the characterization data to correspond to the estimated viewing illumination (paragraphs [0065]-[0070] of Newman et al.). Based upon these allegations, the Examiner concludes that Newman et al. anticipates the presently claimed invention. These allegations and conclusion are respectfully traversed.

As set forth above, independent claim 1 recites a method for improving printer characterization to more accurately reproduce desired colors on a destination printing device given the ambient illumination at the location where the printer's output is intended to be viewed. The method produces a target consisting of pairs of metamers, where each pair matches for one illuminant and mismatches for others; views the target under the illumination for which characterization is desired; selects a best metameric pair match from the metameric pairs, which estimates the viewing illumination; enters an indicator of the estimated viewing illumination; and adjusts the characterization data to correspond to the estimated viewing illumination.

In contrast, Newman et al. illustrates, in Figures 4 and 6, the identification of the color space at different points along the image processing pipeline. More specifically, Newman et al. illustrates, in Figures 4 and 6, that the first color space is a device dependent color space. The second color space, as illustrated in Figures 4 and 6, is viewing condition dependent color space, followed by perceptual color space. The next color space, as illustrated in Figures 4 and 6, is viewing condition dependent color space, followed by device dependent color space.

In other words, Newman et al. illustrates, in Figures 4 and 6, the type or identification of the color space, not the action of viewing the target under the illumination for which characterization is desired, as set forth by independent claim 1. Thus, Newman et al. fails to illustrate, in Figures 4 and 6, viewing the target under the illumination for which characterization is desired.

Moreover, Newman et al. fails to illustrate, in Figures 4 and 6, producing a target consisting of pairs of metamers, where each pair matches for one illuminant and mismatches for others, as set forth by independent claim 1.

Therefore, contrary to the Examiner's assertion, Newman et al. fails to anticipate producing a target consisting of pairs of metamers, where each pair matches for one illuminant and mismatches for others and/or viewing the target under the illumination for which characterization is desired, as set forth by independent claim 1.

With respect to dependent claims 7-16, the Applicant, for the sake of brevity, will not address the reasons supporting patentability for these individual dependent claims, as these claims depend directly or indirectly from allowable independent claim 1. The Applicant reserves the right to address the patentability of these dependent claims at a later time, should it be necessary.

Accordingly, in view of the remarks set forth above, the Examiner is respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. §102(a)&(e).

**B. Rejection under 35 U.S.C. §103 over Newman et al. in view of Yamamoto**

Claims 2-5, and 17 have been rejected under 35 U.S.C. §103 as being unpatentable over Newman et al. (Published US Patent Application 2003/0020727) in view of Yamamoto (Published US Patent Application 2002/0158933). This rejection under 35 U.S.C. §103 is respectfully traversed.

With respect to dependent claims 2-5, and 17, the Applicant, for the sake of brevity, will not address the reasons supporting patentability for these individual dependent claims, as these claims depend directly or indirectly from allowable independent claim 1. The Applicant reserves the right to address the patentability of these dependent claims at a later time, should it be necessary.

Accordingly, in view of the remarks set forth above, the Examiner is respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. §103.

**C. Rejection under 35 U.S.C. §103 over Newman et al. in view of Official Notice**

Claim 6 has been rejected under 35 U.S.C. §103 as being unpatentable over Newman et al. (Published US Patent Application 2003/0020727) in view of Examiner's Official Notice. This rejection under 35 U.S.C. §103 is respectfully traversed.

With respect to dependent claim 6, the Applicant, for the sake of brevity, will not address the reasons supporting patentability for this individual dependent claim, as this

claim depends directly or indirectly from allowable independent claim 1. The Applicant reserves the right to address the patentability of this dependent claim at a later time, should it be necessary.

Accordingly, in view of the remarks set forth above, the Examiner is respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. §103.

**CONCLUSION**

Accordingly, in view of all the reasons set forth above, the Examiner is respectfully requested to reconsider and withdraw the present rejection. Also, an early indication of allowability is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Nickerson', with a stylized, flowing script.

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